

including a pawl for engagement with gear teeth of one of said counter rings and a pawl extension for engagement with gear teeth of the other of said counter rings, for rotating said continuous counter ring one increment each time that a dose of said powdered material is dispensed and for rotating said intermittent counter ring one increment every predetermined number of rotational increments of said continuous counter ring;

spring means for biasing said pawl means into engagement with said gear teeth, said spring means having said pawl extension secured to the end thereof, at a height above said pawl; and

display means through which at least one of said counting indicia is displayed to indicate a count corresponding to a number of doses of powdered material that have been dispensed or remain to be dispensed.

REMARKS

Claims 1-6, 8-27 and 56 remain pending in this application, with claims 4-6 and 8-24 withdrawn from consideration as being non-elected following a requirement for election of species. Examined claims 1-3 and 25-27 stand rejected on various grounds, which will be discussed below, and claims 25-27 were objected to. Canceled claim 7 was rejected and objected to; this claim has been rewritten and now is presented as claim 56.

The declaration of the applicants has been objected to, as it does not identify any international application from which it was considered to be derived. This objection, however, erroneously considers that the applicants are claiming priority from a foreign application, when in fact the applicants have merely performed the national filing of an international application.

Attention is drawn to 35 U.S.C. § 363, which states that an international application designating the United States has the effect of a regularly filed national application, beginning at its international filing date. Given this, it is not necessary for the applicants to claim priority under 35 U.S.C. § 119 from the international filing, since the filing date of the present application is effectively identical to that accorded the international application. The existing declaration properly claims priority under 35 U.S.C. § 120 from its U.S. parent application, and is not defective

since there is no foreign application upon which it can claim priority. Information concerning the international application has properly been included in the cross-reference section of the specification to accurately set forth the filing history, but certainly does not constitute any claim for foreign priority. Withdrawal of this objection is requested.

The original abstract has been objected to, as a result of its excessive length. The applicants hereby submit a replacement abstract having fewer than 250 words, on a separate page attached hereto and bearing page number 86.

Claims 2 and 7 were rejected under 35 U.S.C. § 112, second paragraph, as containing improper antecedent bases for limitations therein. Claim 2 has now been amended to eliminate this issue. Claim 7 has been rewritten in independent form, as new claim 56, and now contains the missing antecedents from all unexamined intervening claims. This rejection should now be withdrawn.

Claims 1-3 stand rejected under 35 U.S.C. § 103/102(e) as unpatentable over U.S. Patent 5,243,970 to Ambrosio et al., in view of U.S. Patent 5,263,475 to Altermatt et al.

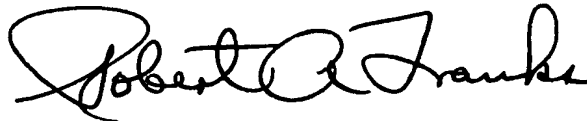
Since each of the rejected claims contains limitations not found in either of the applied references, there cannot be any maintained issue of anticipation. The obviousness rejection also is not proper, since the applied art does not suggest certain of the applicants' claim limitations. Attention is drawn, for example, to the claim limitations concerning the counter means, which require that the counter ring means be rotatable about the same central axis as that for the relative rotation between the powder housing means and the metering plate means. Altermatt et al., which shows a counting mechanism, has no features relating to this limitation, but has a counter incremented by a downward movement of its storage chamber and shows rotation in a plane perpendicular to the major axis of its device. There does not appear to be a sufficient commonality of construction or operational features between the Ambrosio et al. device and the Altermatt et al. device to enable any meaningful combination of features therebetween (e.g., the applicants cannot visualize just how the Altermatt et al. counter would be incorporated into the Ambrosio et al. device in a manner which would permit function as a counter), and there certainly is no feasible combination which would meet all of the specific

limitations of the applicants' claims. This rejection should not be maintained, upon reconsideration.

In view of the patentability of claim 1, discussed above, it is submitted that its dependent claims 25-27 must also be patentable. Therefore, the applicants see no need to rewrite any of these claims in independent form.

Entry of these amendments, consideration of the foregoing remarks, examination of the withdrawn claims and allowance of all pending claims in the application are respectfully requested. However, if further minor matters remain to be resolved for disposition of this application, please call the undersigned to arrange for a telephonic or personal interview.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert A. Franks". The signature is fluid and cursive, with the first and last names being more prominent.

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